

REMARKS

Claims 1-30 remain pending in the present application. Claims 2, 3, 6-13, 15, 17, 18, 21-28 and 30 are withdrawn from consideration at this time. Claims 1-30 have been amended. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

INTERVIEW

Applicants would like to thank Examiner Ciric for the courtesies extended to Applicants' representative on July 15, 2004. Applicants believe the discussion relating to the term "self-contained" and its replacement wording "that is sealed only within" will help to move the application toward allowance. In addition, the replacement of "wherein" with "further comprising" as suggested by the Examiner is also greatly appreciated.

SPECIFICATION

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Applicants have deleted the term "self-contained" from the claims and believe this overcomes the objection to the specification. Withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112

Claims 1, 4, 5, 14, 16, 19, 20 and 29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The term self-contained has been deleted from the claims and has been replaced by "that is sealed only within".

This feature is described on page 19, lines 21-24 of the specification where the cold accumulating material 44 is described as being inside the hermetically closed spaces 43.

Regarding Claim 5 and 20, the “in such a manner that...” has been deleted and the cold air passage has been amended to read “a wave shaped cold air passage”.

Regarding Claims 14 and 29, the run-on limitations have been deleted. The term “the refrigerant cycle” has antecedent basis from Claim 1, line 5 and Claim 16, line 5.

Regarding the “wherein clauses”, these have been amended to “further comprising” wherever applicable throughout the claims.

Applicants have reviewed the pending claims including the withdrawn claims and believe that all of the §112 issues have been addressed. Reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102

As best can be understood in view of the indefiniteness of the claims, Claims 1, 4, 5, 14, 16, 19, 20 and 29 are rejected under 35 U.S.C. § 102(b) as being anticipated by JP 1-153321 (previously of record). JP 1-153321 discloses that the refrigerant from the evaporator 40 of the refrigerant cycle directly flows into the heat exchanger 68. Thus, cold storage is performed by directly introducing the refrigerant from the evaporator and cold accumulator does not have a cold accumulating material that is sealed only within the cold accumulator as is now defined in amended Claims 1 and 16.

Thus, Applicants believe Claims 1 and 16, as amended, patentably distinguish over the art of record. Likewise, Claims 4, 5 and 14, which ultimately depend from

Claim 1, and Claims 19, 20 and 29, which ultimately depend from Claim 16, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

REJOINDER

Applicants respectfully request the rejoinder of withdrawn Claims 2, 3, 6-13, 15, 17, 18, 21-28 and 30.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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